

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WALTER TRUSTY,

Plaintiff,

v.

**MERCK & CO., INC. also d/b/a
MERCK, SHARP AND DOHME and
d/b/a MSD SHARP & DOHME GmbH,
G.D. SEARLE LLC, PHARMACIA
CORPORATION, MONSANTO COMPANY, and
PFIZER INC.,**

Defendants.

No. 06-CV-0891-DRH

ORDER

HERNDON, District Judge:

Pending before the Court is Defendant Merck's November 7, 2006 motion to stay all proceedings. (Doc. 4). Specifically, Merck moves the Court to stay this action pending its likely transfer to ***In re Vioxx Products Liab. Litig., (MDL) No. 1657***. As of this date, Plaintiff has not responded to the motion. Pursuant to **LOCAL RULE 7.1(g)**, the Court considers this failure an admission of the merits of the

motion.¹ Thus, the Court **GRANTS** Merck's motion to stay (Doc. 4). The Court **STAYS** this matter pending its transfer to the MDL.

IT IS SO ORDERED.

Signed this 5th day of December, 2006.

/s/ David RHerndon
United States District Judge

¹ "A party opposing such a motion shall have **ten (10) days** after service of the motion to file a written response. Failure to file a timely response to a motion may, in the court's discretion, be considered an admission of the merits of the motion." **LOCAL RULE 7.1(g)**.